

## § 7.13

## 36 CFR Ch. I (7–1–99 Edition)

(A) Be capable of four-wheel drive operation.

(B) Meet the requirements of § 4.10(c)(3) of this chapter and conform to all applicable State laws regarding licensing, registration, inspection, insurance, and required equipment.

(C) Contain the following equipment to be carried at all times when the vehicle is being operated on an oversand route: shovel; tow rope, cable or chain; jack; and board or similar support for the jack.

(vi) No permit will be issued for a two-wheel drive motor vehicle, a motorcycle, an all-terrain vehicle, or any vehicle not meeting State requirements for on-road use.

(vii) In addition to any penalty required by § 1.3 of this chapter for a violation of regulations governing the use of motor vehicles on oversand routes, the Superintendent may revoke the permit of the person committing the violation or in whose vehicle the violation was committed. No person whose permit has been so revoked shall be issued a permit for a period of one year following revocation.

(3) *Operation of vehicles.* (i) No motor vehicle shall be operated in any location off a designated oversand route or on any portion of a route designated as closed by the posting of appropriate signs.

(ii) No motor vehicle shall be operated on an oversand route in excess of the following speeds:

(A) 15 miles per hour while within 100 feet of any person not in a motor vehicle.

(B) 25 miles per hour at all other times.

(iii) When two motor vehicles meet on an oversand route, both drivers shall reduce speed and the driver who is traveling south or west shall yield the right of way, if the route is too narrow for both vehicles.

(iv) The towing of trailers on oversand routes is prohibited.

(4) *Information collection.* The information collection requirements contained in § 7.12(b)(2) have been approved by the Office Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0017. The information is being collected to solicit information necessary for the Superintendent

to issue ORV permits. This information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

[41 FR 29120, July 15, 1976, as amended at 46 FR 40875, Aug. 13, 1981; 52 FR 10686, Apr. 2, 1987]

### § 7.13 Yellowstone National Park.

(a) *Commercial Vehicles.* (1) Notwithstanding the prohibition of commercial vehicles set forth in § 5.6 of this chapter, commercial vehicles are allowed to operate on U.S. Highway 191 in accordance with the provisions of this section.

(2) The transporting on U.S. Highway 191 of any substance or combination of substances, including any hazardous substance, hazardous material, or hazardous waste as defined in 49 CFR 171.8 that requires placarding of the transport vehicle in accordance with 49 CFR 177.823 or any marine pollutant that requires marking as defined in 49 CFR Subtitle B, is prohibited; provided, however, that the superintendent may issue permits and establish terms and conditions for the transportation of hazardous materials on U.S. Highway 191 in emergencies or when such transportation is necessary for access to lands within or adjacent to the park area.

(3) The operator of a motor vehicle transporting any hazardous substance, hazardous material, hazardous waste, or marine pollutant in accordance with a permit issued under this section is not relieved in any manner from complying with all applicable regulations in 49 CFR Subtitle B, or with any other State or federal laws and regulations applicable to the transportation of any hazardous substance, hazardous material, hazardous waste, or marine pollutant.

(4) The superintendent may require a permit and establish terms and conditions for the operation of a commercial vehicle on any park road in accordance with § 1.6 of this chapter. The superintendent may charge a fee for permits in accordance with a fee schedule established annually.

(5) Operating without, or violating a term or condition of, a permit issued in accordance with this section is prohibited. In addition, violating a term or

condition of a permit may result in the suspension or revocation of the permit.

(b) Employee motor vehicle permits:

(1) A motor vehicle owned and/or operated by an employee of the U.S. Government, park concessioners and contractors, whether employed in a permanent or temporary capacity, shall be registered with the Superintendent and a permit authorizing the use of said vehicle in the park is required. This requirement also applies to members of an employee's family living in the park who own or operate a motor vehicle within the park. Such permit, issued free of charge, may be secured only when the vehicle operator can produce a valid certificate of registration, and has in his possession a valid operator's license. No motor vehicle may be operated on park roads unless properly registered.

(2) The permit is valid only for the calendar year of issue. Registry must be completed and permits secured by April 15 of each year or within one week after bringing a motor vehicle into the park, whichever date is later. The permit shall be affixed to the vehicle as designated by the Superintendent.

(c) [Reserved]

(d) *Vessels*—(1) *Permit*. (i) A general permit, issued by the Superintendent, is required for all vessels operated upon the waters of the park open to boating. In certain areas a special permit is required as specified hereinbelow. These permits must be carried within the vessel at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(ii) A special permit shall be issued by the Superintendent to any holder of a general permit who expresses the intention to travel into either the South Arm or the Southeast Arm "Five Mile Per Hour Zones" of Yellowstone Lake, as defined in paragraphs (d)(6) (ii) and (iii) of this section, upon the completion and filing of a form statement in accordance with the provisions of paragraph (d)(10) of this section.

(iii) Neither a general nor special permit shall be issued until the permittee has signed a statement certifying that he is familiar with the speed and all other limitations and require-

ments in these regulations. The applicant for a special permit shall also agree in writing to provide, in accordance with paragraph (d)(10) of this section, information concerning the actual travel within the "Five Mile Per Hour Zones."

(2) *Removal of vessels*. All privately owned vessels, boat trailers, waterborne craft of any kind, buoys, mooring floats, and anchorage equipment will not be permitted in the park prior to May 1 and must be removed by November 1.

(3) *Restricted landing areas*. (i) Prior to July 1 of each year, the landing of any vessel on the shore of Yellowstone Lake between Trail Creek and Beaverdam Creek is prohibited, except upon written permission of the Superintendent.

(ii) The landing or beaching of any vessel on the shores of Yellowstone Lake (a) within the confines of Bridge Bay Marina and Lagoon and the connecting channel with Yellowstone Lake; and (b) within the confines of Grant Village Marina and Lagoon and the connecting channel with Yellowstone Lake is prohibited except at the piers or docks provided for the purpose.

(4) *Closed waters*. (i) Vessels are prohibited on Sylvan Lake, Eleanor Lake, Twin Lakes, and Beach Springs Lagoon.

(ii) Vessels are prohibited on park rivers and streams (as differentiated from lakes and lagoons), except on the channel between Lewis Lake and Shoshone Lake, which is open only to handpropelled vessels.

(5) *Lewis Lake motorboat waters*. Motorboats are permitted on Lewis Lake.

(6) *Yellowstone Lake motorboat waters*. Motorboats are permitted on Yellowstone Lake except in Flat Mountain Arm as described in paragraph (d)(6)(i) of this section and as restricted within the South Arm and the Southeast Arm where operation is confined to areas known as "Five Mile Per Hour Zones" which waters are between the lines as described in paragraphs (d)(6) (ii) and (iii) of this section in the South Arm and Southeast Arm, but which specifically exclude the southernmost 2 miles of both Arms which are open only to hand-propelled vessels.

(i) The following portion of Flat Mountain Arm of Yellowstone Lake is restricted to hand-propelled vessels: West of a line beginning at a point marked by a monument located on the south shore of the Flat Mountain Arm and approximately 10,200 feet easterly from the southwest tip of the said arm, said point being approximately 44°22'13.2" N. latitude and 110°25'07.2" W. longitude, then running approximately 2,800 feet due north to a point marked by a monument located on the north shore of the Flat Mountain Arm, said point being approximately 44°22'40" N. latitude and 110°25'07.2" W. longitude.

(ii) In the South Arm that portion between a line from Plover Point running generally east to a point marked by a monument on the northwest tip of the peninsula common to the South and Southeast Arms; and a line from a monument located on the west shore of the South Arm approximately 2 miles north of the cairn which marks the extreme southern extremity of Yellowstone Lake in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°18'22.8" N., at longitude 110°20'04.8" W., Greenwich Meridian, running due east to a point on the east shore of the South Arm marked by a monument. Operation of motorboats south of the latter line is prohibited.

(iii) In the Southeast Arm that portion between a line from a monument on the northwest tip of the peninsula common to the South and Southeast Arms which runs generally east to a monument at the mouth of Columbine Creek; and a line from a cairn which marks the extreme eastern extremity of Yellowstone Lake, in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°19'42.0" N., at longitude 110°12'06.0" W., Greenwich Meridian, running westerly to a point on the west shore of the Southeast Arm, marked by a monument; said point being approximately in latitude 44°20'03.6" N., at longitude 110°16'19.2" W., Greenwich Meridian. Operation of motorboats south of the latter line is prohibited.

(7) Motorboats are prohibited on park waters except as permitted in paragraphs (d) (5) and (6) of this section.

(8) *Hand-propelled vessel waters.* Hand-propelled vessels and sail vessels may operate in park waters except on those waters named in paragraph (d)(4) of this section.

(9) *Five Mile Per Hour Zone motorboat restrictions.* The operation of motorboats within "Five Mile Per Hour Zones" is subject to the following restrictions:

(i) Class 1 and Class 2 motorboats shall proceed no closer than one-quarter mile from the shoreline except to debark or embark passengers, or while moored when passengers are ashore.

(ii) [Reserved]

(10) *Permission required to operate motorboats in Five Mile Per Hour Zone.* Written authority for motorboats to enter either or both the South Arm or the Southeast Arm "Five Mile Per Hour Zones" shall be granted to an operator providing that prior to commencement of such entry the operator completes and files with the Superintendent a form statement showing:

(i) Length, make, and number of motorboat.

(ii) Type of vessel, such as inboard, inboard-outboard, turbojet, and including make and horsepower rating of motor.

(iii) Name and address of head of party.

(iv) Number of persons in party.

(v) Number of nights planned to spend in each "Five Mile Per Hour Zone."

(vi) Place where camping is planned within each "Five Mile Per Hour Zone," or if applicable, whether party will remain overnight on board.

(11) The disturbance of birds inhabiting or nesting on either of the islands designated as "Molly Islands" in the Southeast Arm of Yellowstone Lake is prohibited; nor shall any vessel approach the shoreline of said islands within one-quarter mile.

(12) Boat racing, water pageants, and spectacular or unsafe types of recreational use of vessels are prohibited on park waters.

(e) *Fishing.* (1) Fishing restrictions, based on management objectives described in the park's Resources Management Plan, are established annually by the superintendent.

(2) The superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§ 1.5 and 1.7 of this chapter, on any activity pertaining to fishing, including, but not limited to, seasons and hours during which fishing may take place, size, creel and possession limits, species of fish that may be taken and methods of taking.

(3) *Closed waters.* The following waters of the park are closed to fishing and are so designated by appropriate signs:

(i) Pelican Creek from its mouth to a point two miles upstream.

(ii) The Yellowstone River and its tributary streams from the Yellowstone Lake outlet to a point one mile downstream.

(iii) The Yellowstone River and its tributary streams from the confluence of Alum Creek with the Yellowstone River upstream to the Sulphur Caldron.

(iv) The Yellowstone River from the top of the Upper Falls downstream to a point directly below the overlook known as Inspiration Point.

(v) Bridge Bay Lagoon and Marina and Grant Village Lagoon and Marina and their connecting channels with Yellowstone Lake.

(vi) The shores of the southern extreme of the West Thumb thermal area along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(vii) The Mammoth water supply reservoir.

(4) Fishing in closed waters or violating a condition or restriction established by the superintendent is prohibited.

(f) *Commercial passenger-carrying vehicles.* The prohibition against the commercial transportation of passengers by motor vehicles in Yellowstone National Park contained in § 5.4 of this chapter shall be subject to the following exception: Motor vehicles operated on an infrequent and non-scheduled tour on which the visit to the park is an incident to such tour,

carrying only round trip passengers traveling from the point of origin of the tour will, subject to the conditions set forth in this paragraph, be accorded admission to the park for the purpose of delivering passengers to a point of overnight stay in the park and exit from the park. After passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destinations. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general sightseeing operations. Admission will be accorded such vehicles upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such manner as not to provide in effect a regular and duplicating service conflicting with, or in competition with, the services provided for the public pursuant to contract authorization from the Secretary. The superintendent shall have the authority to specify the route to be followed by such vehicles within the park.

(g) *Camping.* (1) Camping in Yellowstone National Park by any person, party, or organization during any calendar year during the period Labor Day through June 30, inclusive, shall not exceed 30 days, either in a single period or combined separate periods, when such limitations are posted.

(2) The intensive public-use season for camping shall be the period July 1 to Labor Day. During this period camping by any person, party, or organization shall be limited to a total of 14 days either in a single period or combined separate periods.

(h) *Dogs and cats.* Dogs and cats on leash, crated, or otherwise under physical restraint are permitted in the park only within 100 feet of established roads and parking areas. Dogs and cats are prohibited on established trails and boardwalks.

(i) [Reserved]

(j) *Travel on trails.* Foot travel in all thermal areas and within the Yellowstone Canyon between the Upper Falls and Inspiration Point must be confined to boardwalks or trails that are maintained for such travel and are marked by official signs.

(k) *Portable engines and motors.* The operation of motor-driven chain saws, portable motor-driven electric light plants, portable motor-driven pumps, and other implements driven by portable engines and motors is prohibited in the park, except in Mammoth, Canyon, Fishing Bridge, Bridge Bay, Grant Village, and Madison Campgrounds, for park operation purposes, and for construction and maintenance projects authorized by the Superintendent. This restriction shall not apply to outboard motors on waters open to motorboating.

(l) *Snowmobiles.* (1) The superintendent may, by the posting of appropriate signs, require persons to register or obtain a permit before attempting any oversnow travel. The superintendent shall issue a permit upon ascertaining that suitable winter survival supplies and equipment are available for human use in the event of mechanical failure. Where a permit is required, it must be carried on the person, or within the oversnow vehicle, and shall be exhibited upon request of any authorized person.

(2) Upon designated routes, snowmobile use shall be limited to the unplowed roadway, which is defined as that portion of the roadway located between the road shoulders designated by snow poles or poles, ropes, and signs erected by the superintendent to regulate snowmobile activity. The designated routes for snowmobile use shall be:

- (i) The Grand Loop Road from its junction with Terrance Springs Drive to Norris Junction.
- (ii) Norris Junction to Canyon Road.
- (iii) The Virginia Cascade Drive.
- (iv) The Grand Loop Road from Norris Junction to Madison Junction.
- (v) The West Entrance Road from the Park Boundary at West Yellowstone to Madison Junction.
- (vi) The Grand Loop Road from Madison Junction to West Thumb.
- (vii) The Firehole Canyon Drive.
- (viii) The Blacktail Plateau Drive.
- (ix) The Fountain Flat Drive.
- (x) The South Entrance Road from the South Entrance to West Thumb.
- (xi) The Grand Loop Road from West Thumb to its junction with the East Entrance Road.

(xii) The East Entrance Road from the East Entrance to its junction with the Grand Loop Road.

(xiii) The Grand Loop Road from its junction with the East Entrance Road to Canyon Junction.

(xiv) The Canyon Rim Drives.

(xv) The Grand Loop Road from Canyon Junction to Tower Junction.

(xvi) In the developed areas of Madison Junction, Old Faithful, Grant Village, Lake, Fishing Bridge, Canyon and Norris Junction, snowmobile routes to scenic points of interest, lodging and other facilities will be designated by appropriate snow poles and signs; said routes being limited to the unplowed roadways. The criteria for determining specific routes in these areas will be: the most direct access, weather and snow conditions and the elimination of congestion and improvement of circulation in the interest of public safety.

(m) *Swimming.* The swimming or bathing in a natural, historical, or archeological thermal pool or stream that has waters originating entirely from a thermal spring or pool is prohibited.

[36 FR 12014, June 24, 1971, as amended at 37 FR 24034, Nov. 11, 1972; 39 FR 9964, Mar. 15, 1974; 43 FR 21460, May 18, 1978; 45 FR 56343, Aug. 25, 1980; 48 FR 30293, June 30, 1983; 52 FR 10686, Apr. 2, 1987; 52 FR 19346, May 22, 1987; 59 FR 43736, Aug. 25, 1994]

#### § 7.14 Great Smoky Mountains National Park.

(a) *Fishing*—(1) *License.* A person fishing within the park must have in possession the proper State fishing license issued by either Tennessee or North Carolina. A holder of a valid resident or nonresident license issued by either State may fish throughout the park irrespective of State boundaries, except in *Closed and Excluded Waters*.

(2) *Closed and Excluded Waters.* All waters of Mingus Creek, Lands Creek, Chestnut Branch and that portion of LeConte Creek as posted through the park residential area of Twin Creeks, are closed to and excluded from fishing.

(3) *Open Waters.* (i) All of the waters of the Oconaluftee River downstream from where it joins with Raven Fork to the park boundary and that portion of